

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In Re:)	
)	
DENNIS E. HECKER,)	Bankruptcy Case No: 09-50779-RJK
)	
Debtor.)	Chapter 7
)	
<hr/>		
CHRYSLER FINANCIAL)	Adversary Proceeding No.: 09-05019
SERVICES AMERICAS)	
LLC,)	
)	
Plaintiff,)	
)	
v.)	
)	
DENNIS E. HECKER,)	
)	
Defendant)	
)	

**NOTICE OF HEARING AND MOTION FOR AN ORDER STAYING THIS
ADVERSARY PROCEEDING UNTIL THE CONCLUSION OF GRAND
JURY PROCEEDINGS AND/OR ANY INDICTMENTS THE GRAND
JURY ISSUES**

TO: Plaintiff Chrysler Financial Services Americas, LLC and its counsel, Gray, Plant, Mooty, Mooty & Bennett, P.A., Nicholas Nierengarten and Stephen Grinnell, 500 IDS Center, 80 S. 8th St., Minneapolis, Minnesota 55402 and Mayer Brown LLP, Howard Roin and Stuart Rozen, 71 South Wacker Drive, Chicago, Illinois, 60606.

1. Defendant Dennis E. Hecker (“Hecker”), by and through his undersigned counsel, moves for the relief requested below and gives notice of hearing.

2. The Court will hold a hearing on these motions at **3:00 p.m., on October 7, 2009**, in Courtroom 8 West, United States Courthouse, 300 South Fourth Street, Minneapolis, Minnesota before the Honorable Robert J. Kressel.

3. Any response to this motion must be filed and delivered not later than October 2, 2009 which is three days before the time set for the hearing (excluding Saturdays, Sundays, and holidays), or filed and served by mail not later than September 28, 2009, which is seven days before the time set for the hearing (excluding Saturdays, Sundays, and holidays).

4. This Court has jurisdiction over this Motion pursuant to 28 U.S.C. §§157 and 1334, Fed. R. Bankr. P. 5005, 7007 and 9013 and Local Rules 7007-1 and 9013-1 *et seq.*

5. These motions arise under 11 U.S.C. §§ 523 and Fed. R. Bankr. P. 7007, 7026, 9013 and Local Rules 7007-1 and 9013-2. This motion is filed under Fed. R. Bankr. P. 7007, 7026, 9013, and 9014 and Local Rules 7007-1 and 9013-1 *et seq.* Defendant Dennis E. Hecker requests the relief specified below.

MOTION

6. Defendant Dennis E. Hecker moves this Court for an Order staying the above captioned Adversary Proceeding, including all pending discovery including, but not limited to, responses to Plaintiff's First Set of Interrogatories, First Request for Production of Documents, First Request for Admissions and the scheduled deposition of Cindy Bowser set for September 16, 2009. Defendant Dennis E. Hecker makes this Motion because the United States Attorney for the District of

Minnesota has convened a grand jury to determine if a criminal indictment should be issued arising out of, among other things, the factual allegations set forth in Plaintiff's Complaint. In order to preserve the proper and effective exercise of Defendant Dennis E. Hecker's rights under the U.S. Constitution, including, but not limited to, his right to invoke Fifth Amendment testimonial privileges, Defendant Dennis E. Hecker moves that this Court issue an Order staying this proceeding pending the termination of the grand jury proceedings and any proceedings arising out of any indictment the grand jury issues.

7. Attorney William F. Mohrman certifies pursuant to Fed. R. Bankr. P. 7026 he contacted Mr. Stephen Grinnell, counsel to Plaintiff, regarding the relief requested in this Motion. After consulting with his client, Mr. Grinnell contacted Mr. Mohrman and responded that Plaintiff refused to consent to the relief requested.

8. This Motion will be based on the Defendant Dennis E. Hecker's Memorandum of Law in Support of the Motion and the Declaration of William F. Mohrman which will be filed in accordance with Local Rule 9006-1 (b).

9. The Court is authorized to grant this relief as an exercise of its equitable powers expressed in 11 U.S.C. § 105(a), Fed. R. Bankr. P. 7026 and by applicable

federal case law.

DATED: September 15, 2009

MOHRMAN & KAARDAL, P.A.

s/ William F. Mohrman

William F. Mohrman Bar No. 168816
Erick G. Kaardal, Bar No. 229647
James R. Magnuson, Bar. No. 389084
33 South Sixth Street, Suite 4100
Minneapolis, MN 55402
(612) 341-1074

ATTORNEYS FOR DEFENDANT DENNIS E.
HECKER

**THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF MINNESOTA**

In Re:

DENNIS E. HECKER,

Debtor.

**CHRYSLER FINANCIAL SERVICES,
AMERICAS LLC,**

Plaintiff,

v.

DENNIS E. HECKER,

Defendant.

CERTIFICATE OF SERVICE

**Bankruptcy Case No: 09-50779-RJK
Chapter 7 Case**

Adversary Proceeding No.: 09-05019

I hereby certify that on September 15, 2009, I caused the following document:

- Notice of Hearing and Motion for an Order Staying this Adversary Proceeding Until the Conclusion of Grand Jury Proceedings and/or any Indictments the Grand Jury Issues;

to be filed electronically with the Clerk of Court through ECF, and that ECF will send an e-notice of the electronic filing to the following:

- Stephen F Grinnell stephen.grinnell@gpmlaw.com

I further certify that I caused a copy of the foregoing documents and the notice of electronic filing to be mailed by first class mail, postage paid, to the following non-ECF participants: None.

Dated: September 15, 2009

s/ William F. Mohrman

William F. Mohrman